

# POKEY NOT GUILTY.

## The Prosecution Breaks Down.

### THE PRISONER SECURES HER LIBERTY.

Hurried by Her Lawyer to Richmond. Now Here—A Tragic Ending of the Case.

GRAND Oration at the Train.

Visit the Planet Office—Joy Unrestrained—Poor Aunt Mary.

Ex-Judge A. D. Watkins, Commonwealth's Attorney of Prince Edward County on Tuesday April 5, 1896, arose in the County Court at Farmville, Va., and after having declared that the commonwealth had utterly failed to make out its case against Pokey Barnes, entered a nolle prosequi, the judge presiding consenting to the same and the prisoner was discharged from custody.

This was done in the face of the fact that the two lawyers hired by Lunsburg County and the commonwealth's attorney of the aforesaid county protested against the same. Ex-Judge Watkins said he had carefully considered the responsibility of this course before he took it.

The fact Pokey Barnes was free was quickly communicated to this city and spread like wildfire. A telegram from the counsel was received: "John Mitchell, Jr., Editor of the Planet, Richmond, Va. Common wealth entered nolle prosequi in Pokey's case. Meet us at train."

Although few persons were informed of this fact, the news spread in ten minutes after he had communicated the information to those at the depot. When the train arrived at the depot, a large crowd gathered.

After the train arrived, Captain A. B. Guignon was first and grasped Editor Mitchell's hand, and then the other. He showed that sturdy determination for which he is noted, and his countenance beamed an expression of quiet satisfaction. George Bragg, Jr. who had been in Farmville with Mr. Mitchell through the car window, called out to him, "Hello, George!" He smiled and was soon out to greet him. Her father Joseph Barnes was with her. A carriage had been ordered to meet her. Mr. Isaac Johnson, and was in waiting.

To this carriage Pokey was escorted, and she was taken to her home. A large mass of men, women, children all striving to get a glimpse and shake the hand of one who had been so near death.

She was placed in the carriage and Editor Mitchell and her father joined her. Then there was a mighty shout, "Three cheers for John Mitchell!" It was given with a will. Three cheers for Pokey Barnes! The demonstration was equally as marked.

Pokey was driven to the Planet Office. On the way they met Squire H. E. Jonathan and he got into the carriage.

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The drive to the residence of Mrs. Rosa B. Bower, president of the Woman's League of the City of Richmond, Ohio, secretary of the League was equally as marked by the appreciation shown by those who gathered around her.

Then to the Y. M. C. A. rooms, Mrs. Joanna Thompson's residence, Editor Mitchell's residence and that of the temporary home of Pokey, at Mrs. Bettie Graves residence, 818 N. 1st Street. The carriage was besieged at each of these places. Windows were raised. Females in the kitchens, at the wash-tub, and seamstresses came rushing to grasp her hand and call down blessing upon her.

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ents, Mrs. Martha Thompson, H. A. White, and Phillip Watson, respecting statements made by them by the prisoner, should not have been permitted to be laid before the jury.

MAKING EXPLANATIONS. When Judge Flournoy had finished his brief argument in favor of a new trial Judge Mann, in a few words, stated that he had no intention to make any statements in his argument which might tend to prejudice the minds of the jury. He explained that he had not used the exact words attributed to him by Judge Flournoy, but admitted that he might have unconsciously conveyed such an impression in different words. He said that he had endeavored to carefully guard himself from any expression of a prejudicial opinion, and had cautioned the jury to pay no attention to any expression of his which was not borne out by the evidence.

CAPTAIN WISE SPEAKS. Captain Wise then addressed the court in favor of a new trial. He contended especially that the prisoner was entitled to a new trial, in his answer to the question of Mr. H. C. Gregory in the Richmond jail had been excluded from the testimony. He also dwelt at length on the case of the Commonwealth against Pokey Barnes, which, he said, should not have been admitted under the law.

THE JUDGE CONSIDERS. Mr. Southall replied briefly to Captain Wise, and then addressed the court in favor of the case. Judge Crute said that he would look over some authorities on the subject of the court-room next morning.

Captain Guignon then announced that he wished to submit a motion for a postponement of the case against Pokey Barnes until the next term of the court.

UNFIT TO PROCEED. Pokey Barnes was then brought into court, and Captain Guignon addressed the court in support of his motion. He said that he wished a continuance for various reasons. The first, he said, was that he was physically unfit to go on with the case. They had been in a great strain for ten days, and did not feel that elasticity of mind which they should have in undertaking a case where human life was concerned.

The second reason was that they had been already away too long from their private business affairs, which would cause them to be absent from their homes for a long time.

Lastly, Captain Guignon said there was an indefinable, all-pervading something in the atmosphere, which was the nature of the case, which rendered in the case of Mary Abernathy, which, in his opinion, would militate against a fair trial.

For these reasons, said Captain Guignon, he requested a continuance of the case until the next term of the court.

Judge Mann, for the Commonwealth, said that as an individual he did not feel at liberty, under the circumstances, to consent to the continuance of the case. He said that the Commonwealth was ready, and the case should be tried at once.

Mr. Pollard's feeble condition, and urged that it was imperative that the case should be disposed of at this time.

WOULD NOT GRANT IT. Judge Crute said that personally he would be extremely glad to continue the case, but he did not think that he was at liberty to do so upon the reasons advanced by the defense.

Judge Crute continued firm, although again urged by the defense, and Judge Crute stated that he had carefully examined all of the evidence in the case, so far as it was obtainable, and he was satisfied that the Commonwealth was entitled to a verdict.

His reasons given. After carefully meditating over the matter, he said, he had decided that he would not grant the continuance, which he accordingly did, the defense excepting. Court was then adjourned, and Judge Crute took the 12:30 train for Richmond.

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having the case reversed by the Supreme Court of Appeals. Pokey was brought in court by the colored jailer Mr. Smith, and took her seat behind her counsel, Ex-Congressman George D. Wise, ex-Judge H. W. Flournoy, and Capt. A. B. Guignon.

The Commonwealth was represented by ex-Judge W. H. Mann, of Nuttall, Lunsburg County, Commonwealth's Attorney W. E. Nettleton, Amelia County's Commonwealth's attorney R. D. Southall and Prince Edward County's Commonwealth's Attorney A. D. Watkins.

A venire of farmers from the upper end of the county, in the neighborhood where resided the brother of the unfortunate Mrs. Lucy Jane Pollard, had been summoned and the work of empanelling the jury commenced.

They were called forward, four at a time, and interrogated by his Honor Judge Crute as to prejudice for or against the prisoner; whether or not they had formed any opinions as to the guilt or innocence of the prisoner at the time of the trial, and whether or not they were opposed to capital punishment.

COUNSEL FOR THE DEFENSE. When Judge Crute had finished with the veniremen counsel for the defense put them through a course of questions.

Being interrogated by Wise, Juror R. T. Carter said that he had been reading about the trial of Pokey Barnes and Mary Abernathy in the Richmond papers, but he did not know anything about the case.

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testified that he did not feel any part of his wife's dead body upon reaching the scene of the murder, to ascertain if there were any wounds in it, further than to lay his hand upon her face.

THAT GREGORY WITNESSES. Emma Harding (colored) was the second witness. She was introduced by the Commonwealth's Attorney, Mr. Nettleton, and testified that she had been with Mrs. Pollard and Pokey Barnes for months before the killing.

CAPT. WISE OBJECTS. The defense objected to this evidence, and the jury was taken out in order that the exact nature of the testimony might be understood by the court and the counsel. The witness went on to say that one day in August 1894, she and Pokey Barnes and a cousin of hers were passing through the house of Mrs. Pollard, who was the "Gone with the Wind" house, when they were stopped by Pokey Barnes and Pokey's husband, who was a white man, and they were taken to the house.

Mr. Pollard spoke to Pokey, saying that he had been waiting for her, and that he had been waiting for her for a long time. Mrs. Pollard had already cautioned her about going down to his vegetable patch. Mrs. Pollard told witness if she would go with her to the house, she would give her a mess of vegetables.

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